

carry out and complete its work accordingly. However, the following escalation process shall be utilized by the Department, its Contractor, and the Utility to resolve such disputes regarding damages or delays prior to requests for payment or such claims being brought forth to a mediation board hearing for resolution as prescribed in O.C.G.A. § 32-6-171 and GDOT Board Rule 672-19.

**Escalation Process Step 1** - It shall be the Contractor's responsibility to coordinate and track each Utilities progress in relation to the Work Plan or Revised Work Plan previously approved by the Department. Once the Contractor has determined that the Utilities work progress is at least 20% behind the approved Work Plan; the Contractor will notify the Utility, and the Department of such apparent delay through written correspondence. Such written correspondence shall detail the delay in question and request the Utility to submit a proposal on how the Utility plans to rectify such delay and maintain the project's schedule prescribed by the previously approved Work Plan. The Utility will respond to this letter within 10 business days. The response shall include a proposal to cure the delay identified by the Department's Contractor. In some cases, the complexity of the project may require that a utility coordination meeting be held to address the issues identified by the Department's Contractor. If the Utility determines that this is the case, then the Utility's response letter shall include a request to hold a utility coordination meeting with the Department's Contractor, the District Construction Engineer, and, the District Utilities Engineer for utility delay resolution. If the utility delay dispute cannot be resolved through the coordination efforts described above after 20 business days from the date provided in the Contractor's original written correspondence; the said dispute shall escalate to the State Construction Engineer for further consideration (See Step 2 below).

**Escalation Process Step 2** - Upon written notification by the District Construction Engineer, the State Construction Engineer shall begin preparations and schedule a Project Utility Delay Mitigation meeting. Such meeting shall be held within 20 business days of the written notification referenced above during this Step of the escalation process. Attendees of this meeting shall include the following as a minimum:

- The Utility Representative
- Department's Contractor
- State Utilities Engineer (or designee)
- District Utilities Engineer (or designee)
- State Construction Engineer (or designee).